

REMARKS/ARGUMENTS

The Office Action dated July 12, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended Claims 1, 9, 11 and 19, and added new Claim 24, which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-24 in condition for allowance.

Election/Restriction

Claims 13-18 and 21-23 have been withdrawn from further consideration pursuant to 37 CFR 1.142 (b), as being drawn to a non-elected species. Applicant respectfully submits that the amendment herein to generic Claim 1 places the claim in condition for allowance. Accordingly, Applicant requests reinstatement of Claims 13-18 and 21-23.

Claim Rejections – 35 USC §112

Claim 11 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. In response, Applicant has amended Claim 11 to substitute the phrase -- supporting means-- for the phrase “support means.” Accordingly, it is believed that the §112 rejection has been overcome.

Claim Rejections – 35 USC §102 and §103

Further in the Office Action, Claims 1-6, 8-10 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,117,762 to Shuert. Claims 1-5 and 7-12 have also been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,868,080 to Wyler, et al. Finally, Claims 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over either the Shuert patent or the Wyler patent. The Examiner states that the Shuert patent discloses a pallet provided with a top deck (16) and a bearing construction (14, 18) made from plastic. The Examiner further states the Shuert patent discloses a supporting means (40, 52). With respect to the Wyler patent, the Examiner

states that this reference discloses a pallet provided with a top deck (14) and a bearing construction made from plastic, and further including a supporting means (32). With respect to Claims 19 and 20, the Examiner states that it would have been obvious to one of ordinary skill in the art to manufacture the pallet disclosed by the Shuert and Wyler patents by a method as set forth in these claims.

Amended Claim 1

In response, Applicant has amended independent Claim 1 to define a pallet including a top deck, a bearing construction and first and second supporting means, wherein the bearing construction includes at least two stringers extending substantially parallel to each other, provided with bearing elements on which the top deck rests, wherein the stringers have a longitudinal direction, and wherein at least a part of the first supporting means extends in a direction approximately parallel to the longitudinal direction in the bearing construction, and wherein the bearing construction also includes cross supports extending approximately at right angles to the longitudinal direction of the stringers, and wherein at least a part of the second supporting means extends in a direction approximately parallel to the longitudinal direction of the cross supports. It is respectfully submitted that neither of the cited references, taken alone or combined, teaches or suggests a pallet structure as set forth in amended independent Claim 1.

In particular, while both the Shuert and Wyler patents show a support means extending within the bearing construction and/or in the top deck, the support means disclosed in both patents only extend in one direction, as opposed to the longitudinal and transverse support means defined in amended Claim 1. Neither Shuert, nor Wyler, teaches or suggests using first and second support means arranged at right angles from each other, parallel to stringers and cross supports extending at right angles from each other to improve rigidity, as set forth in amended Claim 1.

The Examiner refers to the rivets (52) of the Shuert patent as a second supporting means. However, it is certainly clear that these pop rivets (52) do not extend at right angles to the supporting means (40) and parallel to cross supports, as defined in amended Claim 1.

Accordingly, it is respectfully submitted that amended Claim 1, and the claims that depend therefrom, patentably distinguish over the prior art.

Amended Claim 19

Applicant has similarly amended method Claim 19 to define first and second supporting elements that extend at right angles from each other, wherein the first supporting element extends parallel with a stringer and the second supporting element extends parallel with a cross support. For the same reasons as discussed above with respect to Claim 1, it is respectfully submitted that neither of the cited references, taken alone or combined, teaches or suggests a method for manufacturing a pallet having the structure as set forth in amended independent Claim 19.

New Claim 24

Applicant has also added new independent Claim 24, which defines a pallet including a top deck molded from plastic, a bearing construction molded from plastic and attached to the top deck and a supporting means integrally molded within one of the top deck and the bearing construction. It is respectfully submitted that neither of the cited references, taken alone or combined, teaches or suggests a supporting means integrally molded in the pallet, as defined in new independent Claim 24.

On the contrary, the Shuert patent disclose the use of pop rivets (52), while the Wyler patent discloses the external application of an anti-skid surface (36) to keep from skidding. Neither the pop rivets (52), nor the anti-skid surface (36), are integrally molded within the top deck or the bearing construction, as defined in new Claim 24.

Moreover, both the Shuert and Wyler patents disclose pallets having a top surface and legs made in one piece, the support elements being added from the outside. Such assembly process is costly, prone to faults and is structurally vulnerable. Advantages of having integrally molded support means include: preventing friction, sliding and/or increasing rigidity of the construction.

Another benefit of the invention defined in new Claim 24 is the fact that, by integrally molding the support means within one of the structural components of the pallet, the support

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means are protected from, for instance, corrosion, pollution, and the like. This is particularly advantageous when pallets are used in chemically aggressive surroundings or when used in combination with, for instance, foodstuffs, medical uses and the like. Accordingly, it is respectfully submitted that new Claim 24 patentably distinguishes over the prior art.

Conclusion

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-24 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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